

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

ATTORNEYS AT LAW

1800 DIAGONAL ROAD, SUITE 370

ALEXANDRIA, VIRGINIA 22314

JOHN R. MATTINGLY*
DANIEL J. STANGER
SHRINATH MALUR*
CARL I. BRUNDIDGE*COLIN D. BARNETT
GENE W. STOCKMAN
OF COUNSELJEFFREY M. KETCHUM
Registered Patent Agent

* Bar Membership Other Than Virginia

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To: Examiner H. C. RICKMAN
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From: Mr. Carl I. Brundidge
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 10/664,870
Attorney Docket No.: 1021.39339VX1

CERTIFICATION OF FACSIMILE TRANSMISSION

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SUBMISSION OF REPLACEMENT TERMINAL DISCLAIMER WITH ATTACHED
Replacement Terminal Disclaimer



Attorney Carl I. Brundidge
Reg. No. 29,621June 20, 2006

Date

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1021.39339VX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. FUTAMOTO, et al

Serial No.: 10/664,870

Filed: September 22, 2003

For: PERPENDICULAR MAGNETIC RECORDING MEDIA,
MAGNETIC RECORDING APPARATUS

Group: 1773

Examiner: H. C. Rickman

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JUN 20 2006****SUBMISSION OF REPLACEMENT TERMINAL DISCLAIMER**Commissioner for Patents
P.O. Box 1450
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June 20, 2006

Sir:

Attached is a Supplemental Terminal Disclaimer which is being submitted as a replacement of the prior Terminal Disclaimer filed on May 8, 2006 which incorrectly identified the Assignee of the present application as HITACHI, Ltd. and incorrectly identified the prior patent. Entry of the attached Replacement Terminal Disclaimer which correctly identifies the Assignee of the present application as HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD., and correctly identifies the prior patent as 6,686,070 is respectfully requested.

Accordingly, early allowance of claims 7-11 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. 1021.39339VX1) and please credit any excess fees to such Deposit Account.

Respectfully submitted,



Carl I. Brundidge

Registration No. 29,621

CIB/jdc

703/684-1120

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

PTO/SB/26 (09/04)

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REPLACEMENT TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket Number (Optional) 1021.39339VX1
In re Application of: M. FUTAMOTO, et al Application No.: 10/664,870 Filed: September 22, 2003 For: PERPENDICULAR MAGNETIC RECORDING MEDIA, MAGNETIC RECORDING APPARATUS		
<p>The owner, HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD., (As per the Assignment recorded on Reel 015642 and Frame 0704) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,686,070 as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> expires for failure to pay a maintenance fee; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is issued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>29,621</u></p> <p style="text-align: right;">June 20, 2006 Date</p> <p style="text-align: center;">_____ Signature</p> <p style="text-align: center;">Carl I. Brundidge Typed or printed name</p> <p style="text-align: right;">703) 684-1120 Telephone number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP §324.</p>		

This submission of information is required by 37 CFR 1.321. The information is required to obtain a benefit in the public which is the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This section is intended to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the quality of this form or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1400, Alexandria, VA 22313-1400. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop 805, Commerce Center for Patents, P.O. Box 1400, Alexandria, VA 22313-1400.

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